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Preparatory Commission for the International Criminal Court

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Report of the Preparatory Commission for the International Criminal Court (continued)

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Introduction

1. The Preparatory Commission for the International Criminal Court, established in accordance with resolution F adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court on 17 July 1998, continued to carry out its mandate, in accordance with resolution F of the Conference and General Assembly resolution 56/85 of 12 December 2001, to discuss ways to enhance the effectiveness and acceptance of the Court.

2. In accordance with General Assembly resolution 56/85, the Preparatory Commission met at United Nations Headquarters for its ninth session from 8 to 19 April 2002.

3. The Bureau, as elected by the Preparatory Commission at its 1st and 2nd meetings, on 16 and 22 February 1999, continued to act as the Bureau of the Commission at its ninth session. At its 34th and 37th meetings, on 8 and 19 April 2002, the Commission elected Mirza Kusljugic (Bosnia and Herzegovina) and Enver Daniels (South Africa) as Vice-Chairmen of the Commission.

4. At its fifth session, from 12 to 30 June 2000, the Preparatory Commission had adopted a report on the work of the Commission at its first to fifth sessions,[1] to which was annexed the finalized draft texts of the Rules of Procedure and Evidence (PCNICC/2000/1/Add.1) and of the Elements of Crimes (PCNICC/2000/1/Add.2).

5. At its eighth session, at the 33rd meeting, on 5 October 2001, the Preparatory Commission had adopted a further report on the work of the Commission at its sixth, seventh and eighth sessions containing, in accordance with paragraph 5 of resolution F of the Conference, the draft texts of the Relationship Agreement between the Court and the United Nations, the Financial Regulations, the Agreement on the Privileges and Immunities of the Court, and the Rules of Procedure of the Assembly of States Parties.[2] That report also contained as annexes two draft resolutions of the Assembly of States Parties, one on the establishment of the Committee on Budget and Finance, and the other on relevant criteria for voluntary contributions to the International Criminal Court.

6. At its ninth session, at the 37th meeting, on 19 April 2002, the Preparatory Commission adopted the present report on the work of the Commission at its ninth session, containing also in accordance with paragraph 5 of resolution F of the Conference, the draft texts of the basic principles governing a headquarters agreement to be negotiated between the Court and the host country and the Financial Rules.

7. The draft texts had been prepared in the context of working groups of the Preparatory Commission. To facilitate the tasks of the Commission, the Chairman, in consultation with the Bureau, had designated the following as coordinators of the working groups:

- Zsolt Hetesy (Hungary), Coordinator for the Working Group on Basic Principles Governing a Headquarters Agreement to be Negotiated between the Court and the Host Country;
- Christian Much (Germany), Coordinator for the Working Group on Financial Rules.

8. The present report also contains in annexes I and II two draft resolutions of the Assembly of States Parties, one on the Secretariat of the Assembly of States Parties, and the other on crediting contributions to the United Nations Trust Fund to Support the Establishment of the International Criminal Court.

9. Also at its 37th meeting, the Preparatory Commission agreed to include in its report the following, which was raised with respect to the report of the Working Group on the Basic Principles Governing a Headquarters Agreement to be Negotiated between the Court and the Host Country:

– In connection with the discussions on the basic principles governing a headquarters agreement to be negotiated between the Court and the host country, a question was raised concerning the relevant principles to be applied to the Assembly of States Parties. However, the Working Group did not have sufficient time to consider the issue in all its aspects. The attention of the Assembly is therefore drawn to this important issue with a recommendation that the Assembly examine it.

10. At the 36th meeting, on 15 April 2002, the Preparatory Commission took note of the proceedings of an inter-sessional meeting of experts held at The Hague from 11 to 15 March 2002, and recommended that the report of the meeting[3] be transmitted to the Assembly of States Parties for onward transmission to the International Criminal Court.

11. At its 37th meeting, the Preparatory Commission agreed with the technical corrections to the Financial Regulations identified by the Working Group on Financial Issues — Financial Rules, and requested the Secretariat to issue a corrigendum, as appropriate.[4]

12. The Preparatory Commission noted with satisfaction that, during its ninth session, a total of 16 delegates had made use of the trust fund which, pursuant to paragraph 8 of General Assembly resolution 53/105 of 9 December 1999, had been established to facilitate the participation of the least developed countries in the work of the Commission. The International Human Rights Law Institute of DePaul University (United States of America) provided accommodation to delegates from the least developed countries who attended the ninth session.

13. The Preparatory Commission was addressed by His Excellency Arthur Robinson, President of Trinidad and Tobago, at its 35th meeting, on 11 April 2002.

14. The list of documents relating to the draft basic principles governing a headquarters agreement to be negotiated between the Court and the host country and the draft Financial Rules is contained in annex III to the present report.

Notes

[1] PCNICC/2000/1 and Add.1 and 2. The first to fifth sessions of the Preparatory Commission were held from 16 to 26 February, 26 July to 13 August and 29 November to 17 December 1999 and from 13 to 31 March and 12 to 30 June 2000.

[2] PCNICC/2001/1 and Add.1-4; see also note 4 below. The sixth to eighth sessions of the Preparatory Commission were held from 27 November to 8 December 2000, 26 February to 9 March 2001 and 24 September to 5 October 2001.

[3] See PCNICC/2002/INF/2.

[4] The corrigendum is issued as document PCNICC/2001/1/Add.2/Corr.1.

Part I
Draft basic principles governing a headquarters agreement to be negotiated between the Court and the host country

[See PCNICC/2002/1/Add.1]

Part II
Draft Financial Rules

[See PCNICC/2002/1/Add.2]

Annex I

Draft resolution of the Assembly of States Parties concerning the provisional arrangements for the Secretariat of the Assembly of States Parties

The Assembly of States Parties,

Bearing in mind article 112 of the Rome Statute of the International Criminal Court, regarding the Assembly of States Parties,

Taking note of rules 6, 9, 10, 11, 14, 24, 28, 37, 41, 42, 48, 56, 62 and 95 of its Rules of Procedure, providing also specific functions for the Secretariat of the Assembly of States Parties,

Desiring to provide adequate secretariat services for the Assembly of States Parties,

Noting that it is difficult to anticipate at this early stage all the functions of its Secretariat,

Convinced of the need to maintain continuity in the work of the Assembly of States Parties,

1. *Decides* that arrangements shall be made for the Secretariat of the United Nations to continue to carry out the secretariat functions of the Assembly of States Parties on a provisional basis;

2. *Decides also* that such arrangements shall be made on the basis of full reimbursement to the United Nations of such expenses that might accrue to the United Nations;

3. *Decides further* to request the Secretary-General of the United Nations to continue carrying out the secretariat functions of the Assembly of States Parties on a provisional basis and to inform the Assembly of States Parties of the detailed arrangements thereon at its next session.

Annex II

Draft resolution of the Assembly of States Parties on crediting contributions to the United Nations Trust Fund to Support the Establishment of the International Criminal Court

The Assembly of States Parties,

Bearing in mind article 112, paragraph 2 (a) and (d), and article 115 (a) of the Rome Statute,

Noting that a United Nations trust fund was established to cover the expenses which would accrue to the United Nations as a result of convening the first meeting of the Assembly of States Parties,

Decides to request the Secretary-General of the United Nations to provide information to the Assembly of States Parties concerning all contributions made to the Trust Fund,

Decides also that contributions made by States to the Trust Fund should serve as a credit against future assessments against the budget of the Court.

Annex III

List of documents relating to the draft basic principles governing a headquarters agreement to be negotiated between the Court and the host country and the draft Financial Rules, issued at the eighth and ninth sessions of the Preparatory Commission, held in 2001 and 2002*

[Original: Arabic/English/French]

General documents

Eighth session of the Preparatory Commission (24 September-5 October 2001)

Symbol	*Description*
PCNICC/2001/L.3	Proceedings of the Preparatory Commission at its eighth session (draft summary)
PCNICC/2001/L.3/Rev.1	Proceedings of the Preparatory Commission at its eighth session
PCNICC/2001/INF/4	List of delegations (eighth session)

Ninth session of the Preparatory Commission (8-19 April 2002)

Symbol	*Description*
PCNICC/2002/L.1	Proceedings of the Preparatory Commission at its ninth session (8-19 April 2002) (draft summary)
PCNICC/2002/L.1/Rev.1	Proceedings of the Preparatory Commission at its ninth session (8-19 April 2002) (summary)
PCNICC/2002/L.2	Draft report of the Preparatory Commission for the International Criminal Court (continued)
PCNICC/2002/INF/6	List of delegations (ninth session)

* See document PCNICC/2002/L.1/Rev.1, annex I, for the list of general documents and the documents of the Working Group on a Draft Budget for the First Financial Year of the Court, the Working Group on Financial Issues — Remuneration of Judges, the Working Group on Financial Issues — Victims Trust Fund, the Working Group on Assembly of States Parties — Preparatory Documents, as well as documents relating to the crime of aggression.

Working Group on the Basic Principles Governing a Headquarters Agreement to be Negotiated between the Court and the Host Country

Eighth session of the Preparatory Commission (24 September-5 October 2001)[1]

Symbol	*Description*
PCNICC/2001/WGHQA/L.1	Basic principles governing an agreement to be negotiated between the International Criminal Court and the Kingdom of the Netherlands regarding the headquarters of the Court (prepared by the Secretariat)

Ninth session of the Preparatory Commission (8–19 April 2002)

Symbol	*Description*
PCNICC/2002/WGHQA/L.1	Report of the Working Group
PCNICC/2002/WGHQA/RT.1	Basic principles governing an agreement to be negotiated between the International Criminal Court and the Kingdom of the Netherlands regarding the headquarters of the Court: Discussion paper proposed by the Coordinator
PCNICC/2002/WGHQA/RT.1/Rev.1	Revision

Working Group on Financial Issues – Financial Rules

Ninth session of the Preparatory Commission (8-19 April 2002)[2]

Symbol	*Description*
PCNICC/2002/WGFI-FR/L.1	Report of the Working Group — Draft Financial Rules
PCNICC/2002/WGFI-FR/DP.1	Proposal submitted by the Philippines concerning rules 109.1 (b), 109.2, 109.3 (a), 109.4 and 109.5 (a) of the draft financial rules as contained in document PCNICC/2002/WGFI/RT.1/Rev.1
PCNICC/2002/WGFI/RT.1	Draft Financial Rules of the International Criminal Court: Discussion paper proposed by the Focal Point
PCNICC/2002/WGFI/RT.1/Rev.1	Draft Financial Rules: Discussion paper proposed by the Coordinator

[1] No documents were issued under this heading during the first to seventh sessions of the Preparatory Commission.

[2] No documents were issued under this heading during the first to eighth sessions of the Preparatory Commission.